

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rules – The Andhra Pradesh Factories Rules, 1950 – Amendment – Preliminary notification – Orders – Issued.

LABOUR EMPLOYMENT TRAINING AND FACTORIES (LAB.II) DEPARTMENT

G.O.Ms.No. 36

Dated.24.06.2011

Read

Lr.No.B2/13391/2009, dated.05.05.2011 of the Director of Factories, A.P.

ORDER:

The following notification will be published in the next Issue of Andhra Pradesh Gazette.

PRELIMINARY NOTIFICATION

The following draft of an amendment to the Andhra Pradesh Factories Rules, 1950 which it is proposed to be made in exercise of the powers conferred under section 112 of the Factories Act, 1948 (Act No.63 of 1948) is hereby published for general information as required under sub section (1) of section 115 of the said Act.

Notice is hereby given that the said draft will be taken into consideration by the Government on or after forty five (45) days from the date of its publication in the Andhra Pradesh Gazette and that any objections or suggestions which may be received from any person with respect thereto within the aforesaid period will be considered by the Government of Andhra Pradesh.

The objections or suggestions if any should be addressed to the Secretary to Government, Labour, Employment, Training and Factories (Lab.II) Department, Government of Andhra Pradesh through Director of Factories, Andhra Pradesh, Hyderabad.

AMENDMENT

In the said Rules, for Rule 61 A, the following shall be substituted namely:-

61-A Safety Officer

(1) QUALIFICATIONS:

(a) A person shall not be eligible for appointment as Safety Officer unless he -

- (i) Possesses a recognized degree in any branch of engineering or technology and has had practical experience of working in a factory in supervisory capacity for a period of not less than two years (or)

A recognized diploma in any branch of engineering or technology and has had practical experience of Working in a factory in a supervisory capacity for a period of not less than five years (or)

a recognized Degree in physics or chemistry and has had practical experience of working in a factory in supervisory capacity for a period of not less than three years. The practical experience for the purpose of this sub rule shall necessarily be in manufacturing or maintenance or Safety Department of a factory

- (ii) Possesses a full time degree or diploma or certificate in industrial safety or equivalent of duration not less than one Year awarded by any university incorporated under the Central or State legislations or Department of Technical

Education or Board of Technical education of any State Government of India duly following the guidelines as specified in the Annexure at the end of this Rule.

(iii) has adequate knowledge of Telugu and the language spoken by majority of the workers in the region in which the factory where he is to be appointed is situated.

(b) Notwithstanding the provisions contained in clause (a), any person who possesses a recognized degree or diploma in engineering or technology and has had experience of not less than 5 years in a Department of the Central or State Government which deals with the administration of the Factories Act, 1948 or the Indian Dock Labourers Act, 1934; or

Possesses a recognized degree or diploma in engineering or technology and has had experience of not less than 5 years, full time, on training, education, or research in the field of industrial safety and occupational Health in any institution of central or state government, shall also be eligible for appointment as a Safety Officer.

Provided that the Chief Inspector may subject to such conditions as he may specify, grant exemption from the requirements of this sub-rule, if in his opinion, a suitable person possessing the necessary qualifications and experience is not available for appointment:

Provided further that every person who has been working as a Safety Officer after being appointed as per the prescribed procedure and after his appointment was notified to and taken on record by the Chief Inspector as on date of commencement of this rule, shall continue to be a safety officer under this rule irrespective of whether he satisfies the above criteria prescribed in sub rule (a) or (b) above.

(2) Number of Safety Officers to be appointed: The required number of safety officers to be appointed in the factories shall be as specified in the table below.

S.No.	Number of Workers	Number of Safety Officers to be appointed
1	Upto 2000 workers	one
2	From 2001 to 3000	Two
3	From 3001 to 4000	Three
4	From 4001 to 5000	Four
5	From 5001 to 10,000	Five
6	From 10,000 to 20,000	Six
7	For every additional 5,000 workers or fraction there of	One additional

(3) Recruitment:

(i) Selection for appointment to the post(s) of Safety Officer(s) shall be made from among the candidates applying for the post(s) by a committee appointed by the Occupier of the factory

(ii) The appointment when made shall be notified by the Occupier to the Chief Inspector of Factories giving the details of the qualifications, age, pay, previous experience and other relevant particulars of the officer appointed and the terms and conditions of his service. The Chief Inspector may call for further additional information if not satisfied with the information furnished by the occupier. The Chief Inspector ratify the appointment of the Safety Officer in the factory in writing within 30 days from the date of receipt of the information or the additional information, as the case may be, furnished by the occupier.

Provided that any person who has already been ratified once for the post of Safety Officer or Chief safety Officer in any factory situated in the state of Andhra

Pradesh is eligible for appointment as Safety Officer / Chief Safety Officer in any other factory carrying out the similar manufacturing activity and in such cases, the occupier shall send an intimation in writing duly referring the same to the Chief Inspector of Factories for the purpose of this sub rule.

(4) Conditions of Service:

(a) Wherever more than one safety officer is to be appointed in a factory as required by this rule, one of them shall be designated as the Chief Safety Officer by a committee appointed by the occupier and shall have a status higher than that of the others. The Chief Safety Officer shall be in overall charge of the safety functions as envisaged in sub-rule (5) and other safety officers working under his control.

(b) The Chief Safety Officer or the Safety Officer in the case of factories where only one Safety Officer is required to be appointed shall be given the status of a senior executive and he shall work directly under the control of the Chief Executive of the factory. All other Safety Officers shall be given appropriate status to enable them to discharge their functions effectively.

(c) The scale of pay and the allowance to be granted to the Safety Officer and the Chief Safety Officer, and the conditions of their service shall be the same as those of the officers of the corresponding status in the factory. In no case they shall be less than the total emoluments being paid by a State Government to an Inspector of Factories at the minimum of his scale of pay, in case of a safety officer and to that of a Deputy Chief Inspector of Factories in case of a Chief Safety Officer

(d) The conditions of service of Safety officer shall be the same as those of the other members of the executive staff of corresponding status in the factory.

(e) The services of a Safety Officer shall not be dispensed with, or he shall not be reverted, without the written concurrence of the Director of Factories, Hyderabad who shall record reasons therefore.

(f) No punishment such as withholding of increments, including stoppage at any efficiency bar, reduction to a lower state in the time scale, suspension dismissal or termination of service, except censure shall be imposed by the management on a Safety officer, except with the previous concurrence of the Director of Factories.

(g) A Safety Officer, who has been dismissed from service or whose services have been terminated in any other manner than as provided in clause (iv) above may within 30 days from the date of receipt of the order by him, appeal to the State Government against the order of punishment made by the management with the concurrence of the Director of Factories and the decision of the State Government thereon shall be final.

Provided that when the management terminates the service or probation of a safety officer the reasons for such a termination of service or probation shall be reported to the State Government or such authority, as may be, empowered by them in this behalf.

(5) Duties:

The duties of the Safety Officer shall be to advise and assist the factory management in the fulfillment of its obligation, statutory or otherwise, concerning prevention of personal injuries and maintaining a safe working environment. These duties shall include the following namely;

(i) to advise the concerned department in a factory in planning and organizing measures necessary for the effective control of personal injuries.

(ii) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries;

(iii) to advise on safety aspects in all job studies, and to carry out detailed job safety studies of selected jobs;

(iv) to advise the purchasing and stores department in ensuring high quality and availability of personal protective equipment;

(v) to provide advice on matters related to carrying out plant safety inspections;

(vi) to carry out plant safety inspections in order to observe the physical conditions of work and the work practices and procedures followed by the workers and to render advice on measures to be adopted for removing unsafe physical conditions and preventing unsafe actions by workers;

(vii) to render advice on matters related to reporting and investigation of industrial accidents and diseases;

(viii) to investigate all reportable accidents;

(ix) to investigate the case of industrial diseases contracted and dangerous occurrences under Rule 96;

(x) to advise on the maintenance of such records as are necessary relating to accidents, dangerous occurrences and industrial diseases;

(xi) to promote setting up of safety committees and act as adviser and catalyst to such committees;

(xii) to be instrumental in designing and implementing the various creative initiatives in association with the concerned departments like campaigns, competitions, contests and other activities which will develop and maintain the interest of the workers and enhance the workers participation in occupational safety and health management.

(xiii) to design and conduct either independently or in collaboration with the training department, suitable training and educational programmes towards occupational safety and health management.

(xiv) to coordinate with qualitative and quantitative risk assessment studies with either internal or external resources and follow up the compliance of all the recommendations/suggestions;

(xv) to coordinate all third party inspections/survey/investigations/testing and examinations either statutory or otherwise aimed towards management of occupational safety and health;

(xvi) to advise the management of the factory in fulfilling obligations under all occupations Safety and health related legislations applicable

(6) Facilities: An occupier of the factory shall provide each Safety Officer with such facilities, equipment, staff, information etc., as are necessary to enable him to discharge his duties effectively but not less than those recommended if any by the Chief Inspector, from time to time.

(7) Prohibition of Performance of other duties: No Safety officer shall be required or permitted to do any work which is inconsistent with or detrimental to the performance of the duties prescribed in sub-rule (5)

(8) Safety Officer's Report: Every Chief Safety officer or Safety officer where there is no Chief safety officer, working in a factory as required under this rule, shall submit through the occupier of his factory, a report in writing with all relevant details to the Chief inspector of Factories, in the month of January every year, on the activities/initiatives taken up during the preceding calendar year and the progress achieved.

ANNEXURE

(See item (ii) of sub-rule (1) (a) of Rule 61-A)

GUIDELINES FOR DIPLOMA AND DEGREE COURSES ON INDUSTRIAL SAFETY FOR APPOINTMENT OF SAFETY OFFICERS.

1. Contents of Course and Teaching Hours: The course leading to the grant of diploma or degree in Industrial safety should fulfill the following minimum requirements:

- (a) The hours allocated for teaching of subjects on Industrial Safety (including industrial health) should not be less than that allocated by Central Labour Institute, Mumbai for the course of Advanced Diploma in Industrial Safety. This includes time allocated for lectures, discussion, seminars, case studies, and laboratory work but does not include the time allocated for visit to the factories and term work / project works;
- (b) The subjects of study shall be in confirmation to the syllabus followed by Central Labour Institute, Mumbai for the course of Advanced Diploma in Industry Safety;
- (c) The Chief Inspector may add or substitute any of the subjects and topics in the said syllabus depending upon the need based requirement of industry and technologies.

2. Standard for Admission to the Course:

(A) Basic Educational qualification and Minimum Experience required for admission to the Course leading to a degree or diploma or certificate course in Industrial Safety:

Basic Educational Qualifications	Minimum Experience required
Recognized degree in any branch of technology / engineering	No experience is required for the purpose of admission to the said course.
Recognized Diploma in any branch of technology / engineering	At least 2 years of practical experience in supervisory capacity in manufacturing, maintenance or safety department in a factory
Recognized degree in physics / chemistry.	At least 1 year of practical experience in supervisory capacity in manufacturing, maintenance, R&D or safety department in a factory

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. SREENIVASULU
SECRETARY TO GOVERNMENT

To
The Commissioner, Printing, Stationary and Stores, Purchases, Andhra Pradesh, Hyderabad with a request to furnish the Notification in the next edition of A.P. Gazette and furnish 1000 copies to the office of the Director of Factories, Andhra Pradesh, 'B' Block, 5th floor, B.R.K.R. Bhavan, Tankbund road, Hyderabad – 500 063 and 10 copies to the Secretary to Government, Labour, Employment, Training and Factories Department, Government of Andhra Pradesh, Hyderabad.

Copy to:
The Director of Factories, A.P. Hyderabad.
The Law (B) Department.
The P.S. to Secretary, LET & F Department.
The P.A. to Joint Secretary, LET & F Department.
Sf/sc.

// FORWARDED :: BY ORDER //

SECTION OFFICER